

this reimbursement represents a reduction in price to the importer, the regulation suggested by the Senate report language is clearly an appropriate and equitable way to address the reimbursement of countervailing duties.●

# HOUSE CONCURRENT RESOLUTION 58—PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 58, the adjournment resolution, just received from the House; that the concurrent resolution be considered and agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 58) was agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring).*

That when the House adjourns on the legislative day of Friday, April 7, 1995, it stand adjourned until 12:30 p.m. on Monday, May 1, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, April 6, 1995, Friday, April 7, 1995, Saturday, April 8, 1995, Sunday, April 9, 1995, or Monday, April 10, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 24, 1995, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 3 of the concurrent resolution, whichever occurs first.

## DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 49, H.R. 1345.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 593

(Purpose: To amend the bill in several respects)

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senators COHEN, ROTH, and JEFFORDS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. COHEN, for himself, Mr. ROTH, and Mr. JEFFORDS proposes an amendment numbered 593.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 2, strike "or".

On page 7, line 6, strike the period at the end and insert a semicolon.

On page 7, between lines 6 and 7, insert the following:

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining to the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

On page 10 of the House engrossed bill, strike lines 7 through 9 and insert the following new paragraph:

"(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia."

On page 12 of the House engrossed bill, strike lines 17 through 24 and insert the following:

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

Mr. COHEN. Mr. President, the District of Columbia's financial situation is in a state of crisis. The District government does not have sufficient funds to pay its bills which threatens the continued delivery of services to the residents of the District of Columbia and the many Americans that work in or visit our nation's capital.

I am pleased that we were able to reach agreement earlier today with the House on a package of amendments that we believe will improve the House-passed bill and enable the Senate to pass this important legislation before the Congress adjourns for the April recess.

The bill establishes the District of Columbia Financial Responsibility and Management Assistance Authority to aid the city in achieving financial stability while still preserving Home Rule. The concept of a financial control board is not new. A number of U.S. cities facing fiscal crisis have established similar boards.

The new Authority will work with the Mayor and the Council toward resolving the city's financial and management problems. The Authority will have the power to act, following consultation with congress, on recommendations it believes are necessary to ensure the financial stability and operational efficiency of the District.

I want to commend Congressman DAVIS and D.C. Delegate NORTON, the Chair and Ranking Minority Member of the House D.C. Subcommittee, and Congressman WALSH and Congressman DIXON, Chair and Ranking Minority Member of the House D.C. Appropriations Subcommittee, who have worked hard to craft a bill which received strong bipartisan support in the House. The financial recovery of the nation's capital is important to all Americans and I urge my colleagues in the Senate to move expeditiously to pass this important legislation.

Mr. ROTH. Mr. President, the financial crisis which requires the dramatic action we are taking today began sometime ago. I am not certain anyone can pick a particular date it began, but certainly it has been at least a decade since the signs of fiscal distress have been showing. Of all of the economic indicators, perhaps the most alarming is the continued loss of taxpayers. The District has lost nearly 50,000 people since 1985.

Five years ago, the Commission on Budget and Financial Priorities of the District of Columbia, known as the Rivlin Commission, warned that,

The District of Columbia confronts an immediate fiscal crisis. The budget deficit for this fiscal year will be at least \$90 million and will rise to at least \$200 million in 1991 and \$700 million in 1996 if actions are not taken quickly to reduce spending or raise revenue or both.

Congress responded to that warning and immediately passed a \$100 million supplemental appropriation for the District in early 1991. Congress went on to increase the Federal payment and authorized the District to borrow \$330 million to stabilize the local budget. Federal funds to the District increased nearly 30 percent between 1991 and this fiscal year. In all, the District has received a cash infusion of over \$1 billion since 1991.

Revenues were increased but spending was not reduced. Between 1985 and 1994, general fund tax revenues increased by 61 percent. But expenditures increased by 87 percent. Now the trickle of red ink has turned into a raging river. Unfortunately, and despite our efforts, the Rivlin warning is about to come true.

Along with the fiscal crisis, the District appears to be locked in a perpetual management crisis as well. The city has been buffeted from one scandal to the next turmoil. The city's infrastructure is decaying. Crime, taxes, and schools continue to drive families out of the District.

During the entire time of this gathering storm, the Congress has time and again deferred to the local government to take corrective action. All opportunity have been afforded to the locally elected officials to avert the very action we are taking today. While there is no need to recite the history of this sad course of events we know all too well, it is sufficient to state for the RECORD that congressional warnings of intervention have been unmistakable.

The sweeping changes we are introducing into the current local structure must now be given every opportunity to succeed. The District of Columbia Financial Responsibility and Management Assistance Authority must have all of the powers it needs to restore the confidence of everyone concerned for the well-being of the Nation's Capital. I do have serious concerns as to whether the legislation is sufficiently clear in this regard and will raise those concerns with my colleagues.

Let me say is closing, today's action is not a victory of one political idea over another. Today's action is being taken because the path leading to it is littered with failure. We cannot fail the people of this City and the many people who visit it each year. I support the passage of H.R. 1345.

Mr. JEFFORDS. Mr. President, the Nation's Capital is in financial trouble. This bill provides the mechanism to restore the city to fiscal health, but make no mistake the responsibility for acting rests squarely on the shoulders of the elected leaders of the District of Columbia. This Authority has the tools to get the job done, but the District government has the responsibility and accountability to act.

This bill is not perfect. There are things that I would change, I am sure most Senators feel that way, however on balance it has the essentials to get the job started and deserves our support. The amendments proposed make improvements and clarifications, and I encourage our House colleagues to accept these changes and send the bill on to the President so that the Authority can begin its work.

There is a financial crisis in the city, we should not delay action and send the message to the citizens of the city, to the financial markets, and to the District government that the Congress does not consider this crisis worthy of our immediate attention.

Every Senator who has worked on this bill, and indeed probably every Senator in this body, wants to preserve home rule for the citizens of this city. Other cities have gotten into financial difficulty and their states established a financial control board which for a time assisted the city government in managing its fiscal affairs. But there are important features of those state statutes that are also part of this bill which preserves to the local citizens the right, and responsibility, to make difficult decisions. These features include provision for reduction of the Authority's powers upon certain

events, principally achieving balanced budgets during 4 consecutive years. In short, there is a clear definable end to this intrusion on the city's sway over its fiscal matters, this bill preserves home rule.

I want to express my appreciation to Senators COHEN and ROTH for bringing this bill to the Senate for consideration. They and their staffs have worked tirelessly to make sure that this bill reached this point today. In the long-term this bill will make a positive difference to the citizens of the District.

Mr. ROTH. Mr. President, I would like to ask my colleague on the Governmental Affairs Committee, the chairman of the subcommittee with jurisdiction over District affairs, about one aspect of this legislation in particular. I have been concerned that the bill does not make clear our intent that the District of Columbia Financial Responsibility and Management Assistance Authority will have sufficient authority to ensure that its recommendations are adopted. I have thought that such authority should be expressly stated in the statute, in order to leave no ambiguity about our purpose in enacting section 207. This authority is too important to the underlying purpose of the legislation to leave at all in doubt, which I am concerned it may be. Is it the Senator's belief that the intention of Congress is sufficiently clear, nonetheless, that the Authority may implement any recommendations it has made to the Mayor or Council, but which were rejected?

Mr. COHEN. The full scope of the authority's power to implement its rejected recommendations is well stated in the House report that accompanied the legislation. First of all, any non-response to a recommended action is deemed a rejection under the act. Likewise, if the District government does respond that it will adopt the recommendation, but then fails to do so to the satisfaction of the Authority, this shall be considered the same as if it had originally rejected the recommendation under section 207.

Mr. ROTH. The language of this section provides that in such a case, "the authority may by a majority vote of its members take such action concerning the recommendations as it deems appropriate". From reading the House report, I believe it is clear that this is very broad power, including the ability to enact local laws and ordinances, provided there is a period of congressional review of such legislation, as in the case of an act of the D.C. Council. Is this your understanding of that section's intent?

Mr. COHEN. Yes it is. Any recommendation made by the authority to the District government which either the Mayor or the Council has the authority to adopt, may itself be adopted by the Financial Responsibility and Management Assistance Authority, if rejected as I described previously, and if the authority first consults with the

Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight. This includes the authority to enact local legislation, which would go into effect after a congressional review period, under the same conditions as if it had been enacted by the District government itself. It also includes such matters as personnel actions and structural reforms to the District government. It is clearly the intent of this section to give the authority as broad a range of legislative, executive, and administrative powers as the Mayor and Council possess, while expecting that the District government will be given the opportunity to act first.

Mr. JEFFORDS. As chairman of the District of Columbia Appropriations Subcommittee, I too have been closely involved in the development of this legislation, and I can say that the Senator from Maine [Mr. COHEN] has in his description accurately reflected my understanding of the effect of section 207.

Mr. ROTH. Is this also the understanding in the other body?

Mr. JEFFORDS. Yes. The Senator from Maine [Mr. COHEN] and I met with the chairman of the House Subcommittee on the District of Columbia and the District's congressional delegate to discuss this legislation, and both of them agreed that the language in the House report accurately reflects the scope of authority being granted this new entity, which we are here creating.

Mr. COHEN. I believe it is correct to say that the drafters of this legislation, in both Houses of Congress, understand that the authority is to have the full authority to adopt any recommendation that it deems appropriate, as submitted under this section of the act, if the District itself does not adopt such a recommendation, subject to the conditions that I have already mentioned.

Mr. ROTH. I thank my two colleagues for their explanations and for clarifying this important matter.

I have one other point. We are today adopting several useful modifications to this legislation, but I have other improvements that I would have liked to have seen added. I know that my colleagues are aware of these provisions that I think are important, and I hope that in the near future we will be able to make those improvements to this law.

Mr. JEFFORDS. I can assure the Senator that I will work with him to enact those provisions as soon as is feasible.

Mr. ROTH. I thank my friend for his support as I know he has a strong interest in making this legislation work. I know that we all have a great concern for our Nation's Capital, and especially for the citizens who live and work here, and that we look forward to the day when the actions taken under legislation are no longer necessary.

Ms. MOSELEY-BRAUN. Mr. President, the District of Columbia is facing the most serious financial crisis in its

history. The District made a number of major mistakes and bears a major portion of the responsibility for the current debacle, however, the Federal Government also played an important part in creating this emergency because of its refusal to give the District the kind of home rule powers enjoyed by all 50 states.

Unlike every State from Alaska to Wyoming, the District does not have the right to full self-governance. Our country was founded on the principal of no taxation without representation, but the Federal Government denies the District this right. The notion that 600,000 American citizens are denied their fair voice in Congress offends the core principles of representative democracy on which this republic was founded.

Residents of the District, unlike residents across the bridge in Arlington, Virginia, or residents of any other city in America, are not able to make basic decisions regarding their available resources. As the District is unable to control its resources, it faces this fiscal crisis, which Congress must step in to solve. The immediate solution to the problem the District faces lies in the bill before us today.

I reluctantly support the legislation before us today, only because it is a step towards bringing the District out of this financial emergency. Congress can not allow the District of Columbia to go bankrupt while we go on vacation. We have an obligation to assist the residents of the District of Columbia get its fiscal house in order. Unlike other cities, the District has no State to protect its interests, so Congress must act as a State would and help solve the fiscal problems that it has helped create.

There is no question that the District has mismanaged its finances, however, truth be told the District does not have the tools to deal with its problems. The District can not do what States do. The District can not truly receive revenue from its entire tax base because at least 1/3 of the land mass in the District of Columbia is non-taxable because it is owned by the Federal Government. Furthermore, the District of Columbia is unable to tax the wages of those who earn their living in the District but who reside elsewhere. Without the power to fully tax, the District fell into the fiscal crisis it faces today.

Because Congress is partially responsible for the District's fiscal problems, it should act quickly to avoid the District's further economic decline. That is why Congress should support H.R. 1345, which, quite literally, saves the city. It allows the District, which is now insolvent, to borrow and avoid payless paydays and the shut down of city services. It allows the city to stretch out its huge deficit in order to protect its citizens.

Other cities have gotten into trouble and the legislation before us today is not unlike what we have previously encountered. The major difference is that

the District is not a State. States have the ability to step in and help avoid fiscal problems within its cities. Since the District has not been granted Statehood, Congress must step in at this point to establish this control board.

This bill establishing the D.C. control board has particular elements of the Philadelphia and the New York City boards. These great American cities worked constructively and fruitfully with similar authorities without any evidence that their monitors had somehow made them less self-governing. The boards in those cities did not have to use their strong powers because the elected city officials did what was necessary themselves to revive their own cities and I expect no less in the District.

As important as it is to save the city, however, I will not support a D.C. control board that undermines the autonomy of the District. That is why I am glad that the type of control board being proposed in this legislation has been used by a number of other major cities in the United States, such as New York, Philadelphia and Cleveland, which no one has suggested did not remain fully self-governing.

To address the city's projected \$722 million shortfall, H.R. 1345 establishes the District of Columbia Financial Responsibility and Management Assistance Authority. The Authority's five members will be appointed by the President, in consultation with Congress. The members will be responsible for managing the District's finances until the District balances four budgets in a row.

The bill authorizes the District's Chief Financial Officer to prepare the financial plan and budget for the District and implement programs and policies for budgetary control. The bill also establishes an Inspector General for the District, who will make an independent assessment of budget assumptions and report those findings to the board.

This bill allows the Mayor to retain his budgetary and operational authority and the Council to retain its law-making powers. However, the Board is responsible for monitoring these activities to ensure that the city is not acting inconsistent with fiscal prudence.

I would hope that we can act today to pass this legislation in an effort to ensure that the District's fiscal crisis will be on its way to recovery when Congress reconvenes. But the truth be told, the real long term solution is not control boards and less home rule; the real long term solution is the expansion of the District's autonomy, increasing home rule. The citizens of the District of Columbia deserve to have full democratic privileges like all other United States citizens enjoy.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 593) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1345), as amended, was deemed read the third time and passed.

#### AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE AND SENATE REPRESENTATION

Mr. THOMPSON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 106) to authorize testimony by former Senate employee and representation by Senate legal counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Pittston Coal Group has brought a civil lawsuit against the United Mine Workers of America alleging that the union breached an agreement by supporting provisions enacted in the Coal Act of 1992. The coal company has subpoenaed a former employee on Senator ROCKEFELLER's staff to testify at a deposition as part of its effort to develop its case about enactment of the Coal Act. The plaintiff wishes to ask the employee about two documents appearing to be from Senator ROCKEFELLER's office relating to enactment of the Coal Act. Senator ROCKEFELLER is concerned that questioning of a former Senate employee about her Senate employment will abridge legislative privilege.

This resolution would authorize the former employee to testify only about matters that do not trigger privilege concerns and would authorize the Senate Legal Counsel to represent Senator ROCKEFELLER, the former employee, and any other Member or employee of the Senate from whom testimony or documents may be sought, in order to protect the Senate's privileges.

The PRESIDING OFFICER. The question is on a agreeing to the resolution.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of *Pittston Coal Group, Inc. v. I.U., UMW*, Case No. 93-0162-A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;